

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

| | | |
|-------------------------------|---|----------------|
| MARK E. PRINDLE, # 33481-177, | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | 3:10-CV-1217-B |
| | § | |
| JEFF LEWIS, et al., | § | |
| Defendants. | § | |


**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge, and **DENIES** as moot Plaintiff's *Motion to Appoint Marshal to Serve Summons* (Doc. 26).

The Court **CERTIFIES** that any appeal of this action would not be taken in good faith. See 28 U.S.C. § 1915(a)(3). In support of this finding, the Court adopts and incorporates by reference this and the November 3, 2010, Order accepting the findings, conclusions and recommendation of the magistrate judge (Doc. 16). See *Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the above Orders, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

SO ORDERED.

SIGNED this 13th day of September, 2011.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE